## IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

IN RE GENETICALLY MODIFIED RICE	)	4:06 MD 1811 CDP
LITIGATION	)	ALL CASES
	)	ALL CASES
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## JOINT MOTION TO MODIFY CERTAIN DEADLINES IN THE COURT'S ORDER REGARDING PRETRIAL SUBMISSIONS FOR BELLWETHER TRIALS

The parties have agreed, subject to the Court's approval, to certain changes to the deadlines in the Court's Order Regarding Pretrial Submissions For Bellwether Trials (Dkt. # 1325) with respect to the first bellwether trial only. The parties jointly move to modify the Court's Order with respect to the first bellwether trial as follows:

- 1. The deadline for the parties to file their Joint Stipulation of uncontested facts, including a brief summary of the case that may be used in voir dire, is extended until <u>5:00 p.m.</u> on October 28, 2009.
- 2. Each party may supplement its exhibit list by <u>5:00 p.m. on October 27, 2009</u>, with exhibits to be used during cross-examination of the other side's witnesses. Documents to be used solely for impeachment purposes do not need to be disclosed.
- 3. Demonstrative exhibits for use in opening statements are to be disclosed by <u>5:00</u>

  p.m. on October 28, 2009, such that any objections can be raised at the pretrial conference on October 29. The parties shall meet in advance of the pretrial conference to try to resolve as many issues as possible by agreement. Minor revisions to previously disclosed demonstrative

exhibit lists can be made thereafter, provided that the revised versions are disclosed by 5:00 p.m.

on November 1, 2009.

4. Demonstrative exhibits for use with witnesses (fact or expert) or in closing

argument shall be disclosed by 5:00 p.m. the calendar day before they are to be used.

5. For the purposes of Paragraphs 3 and 4 above, the term "demonstrative exhibits"

includes trial graphics, charts, summaries and other data compilations to be used for illustrative

purposes. Demonstrative exhibits to be used with expert witnesses need not have been included

in the expert's report, but the underlying substance and data, if any, must have been fairly

disclosed in the expert's report or deposition and the demonstrative exhibit must be timely

disclosed in accordance with Paragraph 4 above.

Dated: October 15, 2009.

Respectfully submitted,

/s/ Don M. Downing

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Lead Counsel for Defendants

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2009, I electronically filed the foregoing document
with the Clerk of the Court using the CM/ECF system which will send notification of such filing
to all attorneys of record.

/s/ Don M. Downing
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